

## Part I – Questions for non-Contracting States

A. Reasons for not being a Contracting State	
<p>(1) Why is your State not a Contracting State to the Access to Justice Convention?</p> <p><i>Please select one or more</i></p>	<p><input checked="" type="checkbox"/> The authorities of your State do not see any added value in the Convention (<i>e.g.</i>, compared to domestic legal regimes and / or regimes established under other judicial co-operation treaties) – please specify (including a description of these other regimes):</p> <p>Under <a href="#">Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes most cases are already covered.</a></p> <p><input checked="" type="checkbox"/> The number of persons involved in cross-border litigation (<i>e.g.</i>, nationals and habitual residents of your State involved in litigation in a foreign State or foreign nationals and habitual residents involved in litigation in your State) who would benefit from non-discrimination with regard to the matters covered by the Convention has so far been limited and has not required your State to participate in a global framework</p> <p><input type="checkbox"/> There are legal obstacles in the internal legal system of your State that prevent it from joining the Convention – please specify:</p> <p><input type="checkbox"/> There are specific issues arising out of the Convention which dissuade your State from joining the Convention – please explain:</p> <p><input type="checkbox"/> Your State does not have the means or resources to properly implement the Convention</p> <p><input type="checkbox"/> Joining the Convention has so far not been studied in detail (see also question 2)</p> <p><input checked="" type="checkbox"/> Other – please explain:  <a href="#">Germany is already a party to other bilateral and multilateral treaties that contain similar provisions to the Access to Justice Convention.</a></p>
B. Studying the Access to Justice Convention	
<p>(2) Is your State currently studying the Access to Justice Convention with a view to becoming a Contracting State, or does your State envisage studying it with a view to becoming a Contracting State?</p>	<p><input type="checkbox"/> Yes – please specify (status of the study, possible timeline for joining the Convention, <i>etc.</i>):</p> <p><input checked="" type="checkbox"/> No</p>

C. Security, bond or deposit	
<p>(3) In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please provide citation or link to text online, as well as a summary of the legal regime (including any qualifications or exceptions):  <a href="#">Federal Code of Civil Procedure:</a></p> <p>Section 110</p> <p>Security deposit for the costs of the proceedings:</p> <p>(1) Plaintiffs who do not have their habitual place of abode in a Member State of the European Union or in a signatory state of the Agreement on the European Economic Area shall provide security for the costs of the proceedings should the defendant so demand.</p> <p>(2) This obligation shall not be given:</p> <ol style="list-style-type: none"> <li>1. Where, due to international treaties, no such security deposit may be demanded;</li> <li>2. Where the decision as to the defendant's reimbursement of the costs it has incurred in the proceedings would be enforced based on international treaties;</li> <li>3. Where the plaintiff possesses real estate assets, or claims secured in rem, in Germany that suffice to cover the costs of the proceedings;</li> <li>4. Where countercharges are brought;</li> <li>5. Where proceedings have been brought in the courts based on public notice given by a court.</li> </ol> <p>Section 111</p> <p>Retroactive demand for a security deposit for the costs of the proceedings:</p> <p>The defendant may demand a security deposit to be made for the costs of the proceedings if the prerequisites for such an obligation to provide security arise only in the course of the legal dispute, unless a part of the claim brought before the courts is undisputed among the parties and would suffice to cover such costs.</p> <p>Section 112</p> <p>Amount of the security deposit for the costs of the proceedings:</p> <p>(1) The amount of the security to be provided shall be assessed by the court at its sole discretion.</p> <p>(2) In so assessing the amount of the security, the costs of the proceedings are to be based on that amount that the defendant will likely have to pay. The costs that will accrue to the defendant if it brings countercharges shall not be taken into account in this context.</p> <p>(3) Should it become apparent in the course of the legal dispute that the security provided will not suffice, the defendant may demand further security, provided that no part of the claim brought before the courts that would suffice to cover such costs is undisputed among the parties.</p> <p>Section 113</p> <p>Determination of the deadline by which the security deposits for the costs of the proceedings are to be provided :</p> <p>In issuing the order that the plaintiff is to provide security, the court is to determine a period within which the security is to be provided. [...]</p> <p><input type="checkbox"/> No</p>

D. Topics for the agenda of the Special Commission meeting

<p>(4) Are there any specific topics or practical issues that your State would like to have addressed at the Special Commission meeting concerning the Access to Justice Convention?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>
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